

THIRTY-EIGHTH DAY - MARCH 5, 2003**LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE
FIRST SESSION****THIRTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 5, 2003

PRAYER

The prayer was offered by Pastor John Emslie, Trinity Lutheran Church, Blair, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Bromm presiding.

The roll was called and all members were present except Senator Dw. Pedersen who was excused; and Senators Brashear, Brown, Landis, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 42. Introduced by Byars, 30.

PURPOSE: The purpose of this study is to examine the quality and effectiveness of services coordination provided by the Department of Health and Human Services to persons in Nebraska's developmental disabilities system. This study shall include, but not be limited to, the exploration of the training and staff development for services coordinators and administrators, including orientation and continuing education, the quality review mechanisms in place to assure the consistent delivery of services coordination in keeping with policies and procedures, the ability of services coordinators to work effectively on behalf of persons served to insure the most appropriate services and supports, and the best practices in Nebraska and other states.

Input on this study and its development shall be solicited from stakeholders, including, but not limited to, consumers and their families, services coordinators, service providers, and advocates.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Approve Appointment

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment found on page 709:

Game and Parks Commission

Gary Parker

Voting in the affirmative, 39:

Aguilar	Connealy	Janssen	Mines	Smith
Baker	Cudaback	Jensen	Preister	Stuhr
Bourne	Cunningham	Johnson	Price	Stuthman
Bromm	Engel	Kremer	Quandahl	Thompson
Burling	Erdman	Kruse	Raikes	Tyson
Byars	Foley	Louden	Redfield	Vrtiska
Chambers	Friend	Maxwell	Schimek	Wehrbein
Combs	Hudkins	McDonald	Schrock	

Voting in the negative, 0.

Present and not voting, 6:

Beutler	Jones	Mossey
Hartnett	Landis	Pederson, D.

Excused and not voting, 4:

Brashear	Brown	Pedersen, Dw.	Synowiecki
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The appointment was confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

MOTION - Withdraw LR 40

Senator Combs renewed her pending motion, found on page 716, to withdraw LR 40.

The Combs motion to withdraw prevailed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE RESOLUTION 11CA. Considered.

Senator Beutler offered the following amendment:
AM0675

(Amendments to AM0656)

- 1 1. On page 2, line 23, after "Nebraska" insert "under
- 2 this subsection".

Senator Mines asked unanimous consent to be excused until he returns. No objections. So ordered.

SENATOR HARTNETT PRESIDING

Senators D. Pederson and Raikes asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Aguilar moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

The Beutler amendment was adopted with 25 ayes, 6 nays, 12 present and not voting, and 6 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARINGS

Appropriations

Room 1003

LB 798	Wednesday, March 19, 2003	1:30 p.m.
LB 802	Wednesday, March 19, 2003	1:30 p.m.

(Signed) Roger R. Wehrbein, Chairperson

Natural Resources

Room 1525

LB 804	Wednesday, March 12, 2003	1:30 p.m.
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(Signed) Ed Schrock, Chairperson

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 301. Placed on General File as amended.
Standing Committee amendment to LB 301:
AM0669

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Sections 1 to 5 of this act shall be known
- 4 and may be cited as the Electronic Equipment Recycling Act.
- 5 Sec. 2. The Legislature finds that:
- 6 (1) Toxic materials pose a health threat when they are
- 7 released into the environment;
- 8 (2) Electronic equipment contributes significant levels
- 9 of cadmium, arsenic, zinc, mercury, and selenium to landfill
- 10 leachate;
- 11 (3) Cathode ray tubes, which contain an average of five
- 12 to eight pounds of lead, are found in computer monitors, television
- 13 sets, and other electronic equipment;
- 14 (4) The fast growth of technology has resulted in the
- 15 rapid obsolescence of electronic equipment, but such equipment and
- 16 many of its components may be reused; and
- 17 (5) By encouraging the recycling of electronic equipment,
- 18 the state will not only create a market for the recyclables but
- 19 will simultaneously protect the environment from lead and other
- 20 toxic materials.
- 21 Sec. 3. For purposes of the Electronic Equipment
- 22 Recycling Act:
- 23 (1) Board means the Nebraska Environmental Trust Board;
- 24 (2) Cathode ray tube means any intact, broken, or
- 1 processed glass tube used to provide the visual display in
- 2 televisions, computer monitors, and certain scientific instruments
- 3 such as oscilloscopes;
- 4 (3) Electronic equipment means appliances that contain
- 5 complex circuitry, circuit boards, or signal processing and one or
- 6 more hazardous elements. Electronic equipment includes, but is not
- 7 limited to, televisions, audio and stereo equipment, monitors,
- 8 computers, video cassette recorders, computer keyboards, printers,
- 9 telephones, copy and facsimile machines, and microwave ovens; and
- 10 (4) Program means the Electronic Equipment Recycling
- 11 Program.
- 12 Sec. 4. (1) The Electronic Equipment Recycling Program
- 13 is created. The board shall enter into an agreement with a
- 14 contractor to develop and implement the program by creating
- 15 short-term and long-term strategies for establishing a statewide
- 16 system of determining the most efficient means of managing,
- 17 collecting, storing, transporting, processing, recycling, reusing,
- 18 or otherwise disposing of electronic equipment. The program shall
- 19 include:

20 (a) Working with local governments and businesses to
21 determine the most efficient means of collecting, transporting, and
22 processing scrap electronic equipment;

23 (b) Developing public education programs on the benefits
24 of electronic equipment recycling and how to accomplish it; and

25 (c) Creating sustained processes for recovering and
26 recycling scrap electronic equipment, minimizing and eliminating
27 substantial volumes of scrap electronic equipment as waste, public
1 education, and creating jobs.

2 (2) The contractor required under subsection (1) of this
3 section shall, at a minimum, meet the following criteria:

4 (a) Be a statewide organization or entity which is
5 incorporated in Nebraska;

6 (b) Have experience in management of electronic waste,
7 electronic waste inventory, and survey of providers; and

8 (c) Have experience in setting standards for collection
9 and processing systems for recyclables.

10 (3) On November 1 of each year, the board shall submit a
11 report to the Legislature which evaluates the program's
12 effectiveness in creating satisfactory markets, a sufficient
13 recovery infrastructure, and an adequate funding mechanism to
14 support electronic recycling in Nebraska. The report shall also
15 make recommendations for achieving these goals.

16 Sec. 5. On or after October 1, 2003, a fee of five
17 dollars shall be imposed on the sale of each new item of electronic
18 equipment containing a cathode ray tube. The fee shall be paid by
19 the purchaser, collected by the seller, and remitted to the
20 Department of Revenue. The fee imposed by this section shall be
21 collected in the same manner as the sales tax under the Nebraska
22 Revenue Act of 1967, including provisions of the act relating to
23 due dates, interest, penalties, and collection procedures. The
24 department shall deduct and withhold from the fee collected
25 pursuant to this section an amount sufficient to reimburse the
26 direct costs of collecting and administering the fee. Except for
27 the amounts withheld as provided in this section, the Department of
1 Revenue shall remit the money received under this section to the
2 State Treasurer for credit to the Electronic Equipment Recycling
3 Program Fund created pursuant to section 8 of this act. Payment of
4 the fee shall be accompanied by a form prescribed by the Department
5 of Revenue and shall include such information as the Tax
6 Commissioner deems necessary.

7 Sec. 6. Section 81-15,167, Revised Statutes Supplement,
8 2002, is amended to read:

9 81-15,167. Sections 81-15,167 to 81-15,176 and section 8
10 of this act shall be known and may be cited as the Nebraska
11 Environmental Trust Act.

12 Sec. 7. Section 81-15,173, Revised Statutes Supplement,
13 2002, is amended to read:

14 81-15,173. The board shall have and may exercise the

15 following powers and duties:

16 (1) Adopt bylaws to govern the proceedings of the board;

17 (2) Keep records, conduct hearings, and adopt and
18 promulgate rules and regulations to carry out its duties and
19 implement the Nebraska Environmental Trust Act;

20 (3) Contract with the Game and Parks Commission for
21 administrative support and with governmental agencies for technical
22 assistance;

23 (4) Establish environmental priorities for use of the
24 funds;

25 (5) Establish ad hoc advisory boards and subcommittees;

26 (6) Sponsor or assist environmental proposals pertaining
27 to the environmental priorities of the board, including issuing
1 grants to agencies, organizations, and persons engaged in the
2 purposes of the trust;

3 (7) Cooperate with or assist any unit of the state, any
4 political subdivision, or any private, public, or federal agency,
5 foundation, or person in furtherance of the purposes of the trust;

6 (8) Acquire and dispose of personal property in
7 furtherance of the purposes of the trust; ~~and~~

8 (9) Apply for or accept any gift, grant, bequest,
9 royalty, or donation, designate the fund to which it will be
10 credited, and expend the proceeds in furtherance of the purposes of
11 the trust; and

12 (10)(a) Administer agreements with contractors to develop
13 and implement a statewide electronic equipment recycling program;
14 and

15 (b) Issue electronic equipment recycling grants to
16 agencies; and organizations, and persons engaged in the purposes of
17 the program.

18 Sec. 8. (1) The Electronic Equipment Recycling Program
19 Fund is created. The fund shall be administered by the board to
20 carry out the purposes of the Electronic Equipment Recycling
21 Program. The fund shall consist of fees credited pursuant to
22 section 5 of this act. The board may receive gifts, bequests, and
23 any other contributions for credit to the fund.

24 (2) Application for grants under the Electronic Equipment
25 Recycling Program shall be made on a form developed by the
26 contractor containing such information as the board deems
27 necessary. The contractor shall conduct technical reviews of the
1 grant applications and make funding recommendations to the board.
2 The board shall develop a rating system for ranking grant proposals
3 to meet the program's goals and objectives. Each application shall
4 be reviewed and approved by the board for the purposes of creating
5 sustained processes for recovering and recycling scrap electronic
6 equipment, minimizing and eliminating substantial volumes of scrap
7 electronic equipment as waste, public education, and creating jobs.

8 (3) Money in the fund shall be distributed as follows:

9 (a) Except as provided in subdivision (b) of this

10 subsection, not more than seventy percent shall be used to award
 11 grants as follows:
 12 (i) Not more than twenty percent shall be used to award
 13 grants to local governments, not-for-profit charitable
 14 organizations, and solid waste facility operators to pay processing
 15 and recycling costs assessed by authorized electronic equipment
 16 recyclers;
 17 (ii) Not more than thirty-five percent shall be used to
 18 provide grants to electronic equipment recycling businesses; and
 19 (iii) Not more than fifteen percent shall be used to work
 20 with local governments and businesses and develop public education
 21 programs; and
 22 (b) Not more than thirty percent shall be used to
 23 administer the Electronic Equipment Recycling Act which shall
 24 include the contract for developing and implementing the program.
 25 Any money allocated and not spent under this subdivision for
 26 administration of the act may at the board's discretion be used for
 27 the purposes stated in subdivision (a) of this subsection.
 1 Any unused funds may be carried over to the next fiscal
 2 year. Any money in the fund available for investment shall be
 3 invested by the state investment officer pursuant to the Nebraska
 4 Capital Expansion Act and the Nebraska State Funds Investment Act.
 5 Sec. 9. If any section in this act or any part of any
 6 section is declared invalid or unconstitutional, the declaration
 7 shall not affect the validity or constitutionality of the remaining
 8 portions.
 9 Sec. 10. Original sections 81-15,167 and 81-15,173,
 10 Revised Statutes Supplement, 2002, are repealed."

(Signed) Ed Schrock, Chairperson

Agriculture

LEGISLATIVE BILL 212. Placed on General File.

(Signed) Bob Kremer, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 11CA. Senator Beutler offered the following amendment:

FA1188

On page 2, line 21 after "federal" add "gaming"

Senator Smith moved the previous question. The question is, "Shall the debate now close?"

Senator Smith moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

SPEAKER BROMM PRESIDING

Senator Beutler requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 37:

Aguilar	Cudaback	Johnson	Mossey	Stuthman
Baker	Cunningham	Jones	Preister	Thompson
Bourne	Engel	Kremer	Price	Tyson
Bromm	Erdman	Kruse	Quandahl	Vrtiska
Brown	Foley	Landis	Raikes	Wehrbein
Burling	Friend	Louden	Redfield	
Byars	Hudkins	McDonald	Smith	
Combs	Jensen	Mines	Stuhr	

Voting in the negative, 4:

Beutler	Chambers	Connealy	Janssen
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Present and not voting, 4:

Hartnett	Maxwell	Schimek	Schrock
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Excused and not voting, 4:

Brashear	Pedersen, Dw.	Pederson, D.	Synowiecki
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The motion to cease debate prevailed with 37 ayes, 4 nays, 4 present and not voting, and 4 excused and not voting.

Senator Beutler withdrew his amendment.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA1189

Amend AM0656

Page 2, in line 20, put a period after "Nebraska" and strike the remaining language through the period in line 21.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers withdrew his amendment.

Senator Smith moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Janssen moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Janssen requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 25:

Aguilar	Combs	Hartnett	Maxwell	Schimek
Beutler	Connealy	Hudkins	McDonald	Schrock
Bourne	Cudaback	Janssen	Mines	Stuthman
Bromm	Cunningham	Johnson	Preister	Synowiecki
Byars	Friend	Landis	Raikes	Thompson

Voting in the negative, 19:

Baker	Erdman	Kremer	Quandahl	Tyson
Burling	Foley	Kruse	Redfield	Vrtiska
Chambers	Jensen	Mossey	Smith	Wehrbein
Engel	Jones	Price	Stuhr	

Present and not voting, 3:

Brown	Louden	Pederson, D.
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Excused and not voting, 2:

Brashear	Pedersen, Dw.
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Advanced to E & R for review with 25 ayes, 19 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE RESOLUTION 14CA. Senator Beutler renewed his pending motion, found on page 693, to indefinitely postpone.

Laid over.

AMENDMENT - Print in Journal

Senator Schrock filed the following amendment to LB 143:
AM0683

(Amendments to Final Reading copy)

1. On page 2, line 17, strike "(5)" and insert "(4)".
2. On page 4, strike beginning with "Any" in line 10 through "(5)" in line 16 and show the old matter as stricken.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 806	Business and Labor
LB 807	Business and Labor

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 808. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Cudaback, 36; Engel, 17; Kruse, 13; D. Pederson, 42; Price, 26; Synowiecki, 7; Thompson, 14.

A BILL FOR AN ACT relating to courts; to amend sections 33-138, 42-720, and 48-191, Reissue Revised Statutes of Nebraska, and sections 25-21,223, 25-2221, 49-1203, 76-1442, and 83-4,125, Revised Statutes Supplement, 2002; to authorize the Chief Justice of the Supreme Court to close courts on certain days; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 809. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Cudaback, 36; Engel, 17; Kruse, 13; D. Pederson, 42; Price, 26; Synowiecki, 7; Thompson, 14.

A BILL FOR AN ACT relating to revenue and taxation; to impose an occupation tax on certain professions.

VISITORS

Visitors to the Chamber were Anthony, Irene, Elise, and Danielle Guerrero from Gering; 30 eighth-grade students and teachers from Lexington Middle School; 50 fourth-grade students and teachers from York Elementary School; and Josie Vela from Friend.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

ADJOURNMENT

At 11:42 a.m., on a motion by Senator Chambers, the Legislature adjourned until 9:00 a.m., Thursday, March 6, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

